

Call for Evidence: The Home Office's use of Sanctions and Penalties



Launching the 'call for evidence', David Bolt said:

I have recently begun an inspection of the Home Office's use of sanctions and penalties to encourage and enforce compliance with border and immigration controls and I would like to invite anyone with any relevant knowledge of this subject to write to me with their evidence.

Some sanctions and penalties have featured in previous inspection reports, for example, my [May 2019 report on Illegal Working](#). However, in this new inspection I plan to look at the range of sanctions and penalties, focusing on its comprehensiveness, how consistently particular measures are applied and their impact.

I have not previously inspected the Carriers' Liability Charge, introduced in 1987, and levied against carriers if they bring a passenger to the UK who is inadequately documented. Therefore, I would be particularly keen to receive contributions from airline operators, sea carriers and relevant commercial or trade bodies covering their experiences of:

- training and support provided by the Home Office (Immigration Enforcement International and Border Force)
- the Approved Gate Check status scheme, including the application process, monitoring, renewal and administration of waivers
- application of carriers' liability charge, authority to carry penalties and API penalties
- the process for objecting to or appealing against a carriers' liability charge, authority to carry and API penalties
- any other concerns, recommendations or observations

My inspection will include sanctions and penalties applied by the Home Office directly and those administered by other parties for

borders and immigration purposes. I would therefore also like to receive evidence about how the following are working, both from the perspective of those non-Home Office parties having to administer them and anyone who has received a sanction or penalty:

- Illegal working civil penalty
- Clandestine entrants' civil penalty
- Employer nudge letter
- Landlords' civil penalty issued under the Immigration Act
- Compound penalty and fines in lieu of forfeiture issued by Border Force
- Customs civil evasion penalties and wrongdoing/post audit excise penalties issued under the Finance Act 2003 and 2008
- Other penalties issued by Border Force for specified breaches of Customs law
- Penalties or sanctions issued to educational institutions, employers and community sponsors of Tier 2, 4 and 5 visas by UK Visa and Immigration
- Civil penalty for noncompliance with biometric registration regulations
- Refusal or revocation of bank account, NHS, DWP or HMRC benefits due to immigration status
- Refusal or revocation of driver's licence, taxi licence, alcohol and late-night refreshment licence and Construction Skills Certification Scheme cards due to immigration status
- Notice of letting to a disqualified person
- Director disqualification as a result of employing illegal workers

Please note that my remit does not extend to investigating or making decisions about any individual cases. This remains a Home Office responsibility.

Please email the Chief Inspector at: chiefinspector@icibi.gov.uk

or write to:

Sanctions and penalties evidence submission
ICIBI
5th Floor
Globe House
89 Eccleston Square
London SW1V 1PN

Please write by the close of 12 January 2020

Please note: in providing information to ICIBI you are acknowledging that we will process it in accordance with the terms of the GDPR. It may be quoted in the final report, but it is the ICIBI's practice not to name individual sources and to anonymise as much as possible any examples or case studies.

After publication of the inspection report, your information will not be retained unless you have given your consent for this.

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Last updated 13 December 2019 [+ show all updates](#)

1. 13 December 2019 The closing date for submissions has been extended to 12 January 2020.
2. 12 December 2019 First published.